



Practitioner's Docket No.: 283_237.10CPA

PATENT

2878

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Robert J. Hennick, Colleen P. Gannon, Klaus Kremmin Sr.

January 23, 2003

Ser. No.: 09/312,479

Art Unit: 2878

Filed: May 17, 1999

Examiner: Luu, Thanh X.

For: OPTICAL AND IMAGE SENSOR SUBASSEMBLY ALIGNMENT AND MOUNTING METHOD

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Box Non Fee Amendment
Assistant Commissioner for Patents
Washington, DC 20231

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Christine M. Holmes

REQUEST FOR RECONSIDERATION

Sir:

In response to the Office Action mailed January 8, 2003, please amend the above identified patent application as follows:

In the Claims:

Please amend claims 1, 26, 30, 31, 38, 44, 48 and 95 as set forth in Attachments A and B hereto.

REMARKS

As a preliminary matter, the applicants respectfully request that the Examiner withdraw the finality of the Office Action dated January 8, 2003. Such a final rejection is considered to be improper in view of the circumstances. That is, pursuant to MPEP 706.07(a), a second action on the merits should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which should reasonably have been expected to be claimed. In this regard, the applicants have amended claims 1, 26, 30-31, 38, 44, 48 and 95 in order to overcome either specific objections because of formalities as set forth in the Office Action dated March 29, 2002, or rejections on the basis of 35 U.S.C. 112 as being indefinite. Accordingly, those amendments should not only have been anticipated, but were in fact, required by the Examiner's actions.